

### ***Remarks***

Reconsideration of this Application is respectfully requested. This Supplemental Amendment is submitted with claims 7 and 8 included, as noted in the Notice of Non-compliant amendment. The remainder of the response is identical to that filed previously on April 16, 2004.

Upon entry of the foregoing amendments, claims 1-44 are pending in this application, with claims 1, 6, 9, 14 and 20 being the independent claims. Claims 1, 6, 9, 14 and 20 are amended. Claims 21-44 are added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

### ***Interview with the Examiner at the USPTO on April 8, 2004***

Applicants' representative thanks the Examiner for the courtesies extended during the in-person interview at the USPTO on April 8, 2004. During the interview, in which one of the inventors, David L. Stephenson, participated via telephone, the differences between the claim language and the cited references, particularly Buzbee *et al.*, U.S. Patent No. 5,815,720 and Buzbee *et al.*, U.S. Patent No. 6,275,981, were discussed. In particular, it was explained how the terms "intermediate representation," "annotation," "frequency data," "frequency data from a plurality of sample executions" and "propagation scheme," as used in the claims, differed in meaning from how they are used in the Buzbee references.

***Claim amendments***

Although Applicants believe that, based on the distinctions discussed during the interview, the claims are allowable without further amendment, in the interest of advancing the prosecution of this case, independent claims 1, 6, 14 and 20 have been amended to recite “updating said frequency data **to maintain accuracy of said frequency data during compilation in a direction of increasing exactness.**”

Examples of such updates include converting frequencies from UNKNOWN to GUESS, or from GUESS to EXACT, as discussed at page 14, line 4 through page 21, line 13 of the specification. Applicants respectfully submit that the addition of this aspect to the claims clearly overcomes all the rejections.

Accordingly, Applicants respectfully request that the rejections of the independent claims be reconsidered and withdrawn.

Dependent claims 2-5, 7-8, 10-13 and 15-19 depend from claims 1, 6, 9 and 14, respectively, and are allowable at least because their base claims are allowable, as well as due to the features recited therein.

***New claims 21-44***

New claims 21-44 are added to provide additional coverage for the present invention. These claims are directed to the specifics of updating the frequency values, as discussed during the interview, and as discussed in the specification at, for example, page 14, line 4 through page 21, line 13. These claims are allowable at least because their base claims are allowable. Additionally, as discussed during the interview, none of

the cited references disclose the use of frequency values of **different exactness during the same compilation process.**

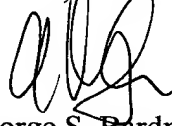
### ***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



George S. Bardmesser  
Attorney for Applicants  
Registration No. 44,020

Date: \_\_\_\_\_

6/24/04

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600